

Chapter 7

Waste Collection

This chapter describes Clark County's collection systems for municipal solid waste (MSW) including recyclable materials. A complete description of recyclable materials collection services can be found in Chapter 6 (Waste Recycling). Funding and rate structure approaches for solid waste collection are described in Chapter 4 (Waste Reduction) and Chapter 17 (Funding and Financing). Collection practices for special wastes are described in Chapter 14 (Special Wastes).

Introduction

The collection of municipal refuse and garbage must be coordinated with the collection of recyclable materials. Changes in the quantity and composition of one waste stream can affect the quantity and composition of the other streams. Additionally, the type and level of collection service provided for one stream may affect the type and service level required for the other. For example: same-day curbside collection service for both refuse and recyclable materials is often a desirable convenience for generators. Also, the size of containers used for the storage and collection of one stream directly affects the container size required for the other stream.

The administration of refuse and garbage collection services must be coordinated with the administration of recyclable materials collection services. For example, coordination of customer billing and collection practices, payment provisions, customer data sharing, and vehicle routing information by both collection services, can help the solid waste management system operate more effectively and efficiently. Rate setting for refuse and garbage collection and recyclable materials collection also needs to be structured to provide incentives to reduce and recycle wastes while fully recovering program costs to the extent allowed by the regulatory agencies that govern.

Definitions

Washington Administrative Codes (WAC) and the Revised Code of Washington (RCW) provide the following definitions for municipal solid waste (MSW) management.

- *Collecting agency* is defined as "any agency, business, or service operated by a person for the collecting of solid waste." (WAC 173-304)
- *Common carrier* means any person who undertakes to transport solid waste, for the collection and/or disposal thereof, by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules. (RCW 81.77)
- *Contract carrier* means all garbage and refuse transporters not included under the terms "common carrier" and "private carrier," as herein defined, and further, shall include any person who under special and individual contracts or agreements transports solid waste by motor vehicle for compensation. (RCW 81.77)

- *Private carrier* means a person who, in his own vehicle, transports solid waste purely as an incidental adjunct to some other established private business owned or operated by him in good faith: Provided, that a person who transports solid waste from residential sources in a vehicle designed or used primarily for the transport of solid waste shall not constitute a private carrier. (RCW 81.77)
- *Recyclable commodity* means any single material or aggregate of similar materials (for example, plastics) that is sold for remanufacturing as a recyclable material. (RCW 70.95)
- *Recyclable materials* are materials listed in Table 6-1 that undergo the following two processes:
 1. Are to be remanufactured into a usable product and marketed for any use other than landfill disposal, incineration, or fiber-based fuels.
 2. Are separated from non-recyclable material before collection or transport so that the material remaining in the load or container is a "recyclable commodity" or is material from a residential curbside collection program under the authority of RCW 36.58.040 (1) or (2). (RCW 70.95)
- *Recycling* means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. (RCW 70.95)
- *Residence* means the regular dwelling place of an individual or individuals. Residences include single-family and multifamily dwellings and trailer courts. Nonresidential generators include all waste generators other than residential generators, including commercial, institutional, industrial, and manufacturing facilities. (RCW 70.95)
- *Solid waste* means all putrescible and nonputrescible solid and semi-solid wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. (RCW 70.95)
- *Solid waste collection company* means every person or his lessees, receivers, or trustees, owning, controlling, operating or managing vehicles used in the business of transporting solid waste for collection and/or disposal for compensation, except septic tank pumpers, over any public highway in this state whether as a "common carrier" thereof or as a "contract carrier" thereof." (RCW 81.77)
- *Source separation* means the separation of different kinds of solid waste at the place where the waste originates. (RCW 70.95)

Existing Conditions

Solid Waste Collection

The following agencies are responsible for the management of solid wastes within Clark County: Southwest Washington Health District (SWWHD), Washington Utilities and Transportation Commission (WUTC), Clark County, and the cities of Vancouver, Camas, Battle Ground, Washougal and La Center (see the *Administration and Enforcement* Chapters). The SWWHD issues permits for solid waste storage, collection, transfer and disposal pursuant to RCW 70.95, WAC 173-304 and Clark County Code Chapter 24.12. The SWWHD also has jurisdiction over public health and safety with regard to solid waste collection in all of Clark County, including the cities and towns.

State law provides the following categories under which solid waste collection services (excluding recyclable materials collection) are administratively authorized and controlled:

State-Certificated Collection

The Washington legislature decided in 1961 that garbage collection service should be available to all residents of the state at rates that were fair, just and reasonable. The legislature passed RCW 81.77, directing the Commission to supervise and regulate private solid waste collection companies in the State of Washington. RCW 81.77 requires a company to obtain a certificate from the Commission declaring that public convenience and necessity require establishment and operation of a collection service in a specific area. These Certificates of Public Convenience and Necessity require proof that a company is fit, willing and able to provide service, and then specify categories of solid waste that can be collected and the geographic area in which a company can operate. These certificated collection companies provide services under Commission regulation. As part of its legislative mandate, the Commission audits these companies for fair rates, proof of adequate insurance, operational safety, and requires annual reports. Any solid waste collection company, including certificated companies, may also provide service under contract with an incorporated city or town. In that case, the Commission does not regulate. The WUTC's authority covers private collection companies that operate in unincorporated areas of a county and in incorporated municipalities where the city chooses not to regulate through other means. City-contracted collection services are not subject to WUTC control. Collection systems directly operated by city crews and equipment are also exempted from regulation by the WUTC.

The WUTC establishes collection fees (rates) for certificate holders on the basis of operating costs and revenues. Every certificated collection company is required to file a tariff with the WUTC, showing rates and charges applicable to the collection, transportation, and disposal of solid waste in its service area. The WUTC may approve or modify the requested rates. Certificated companies cannot alter their rates or charges without WUTC approval. The WUTC requires certificated collection companies to "use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70.95" and provide minimum levels of solid waste collection and recycling services pursuant to local solid waste management plans and municipal ordinances. The WUTC has no direct authority or rate-setting responsibility for solid waste transfer or disposal facilities.

Since the early 1900's, the Commission has regulated the transportation of property (including nonresidential recyclable materials) for hire over public roadways under the authority of RCW 81.80. The regulation was essentially the same as that of solid waste collection companies. Commercial recycling is regulated under RCW 81.80 because it has been designated as property, not solid waste. However, the passage of the Federal Aviation Administration Authorization Act (FAAAA) of 1994 pre-empted state or local regulation of transportation of property (including nonresidential recycling), in terms of where a company can operate, how much they can charge, and what kinds of property they can transport. At that time, the legislature moved the Commission's responsibility for safety inspection for common carriers to the Washington State Patrol. The Commission retains the responsibility to issue permits and verify insurance for common carriers. Common carrier permits provide companies with the authority to transport general commodities including nonresidential recyclable materials.

City-Controlled Collection

Cities have the authority to make collection mandatory in all or part of its incorporated boundaries. Mandatory collection means that all waste generators must subscribe to and pay a minimum fee for collection even if they do not use the service. The following options are available to cities for managing solid waste collection:

WUTC-Certificated Collection A city can delegate management authority and responsibility to the WUTC. Under this option, collection services within the city are provided by a certificated private company supervised and regulated by the WUTC. WUTC certificates and operating requirements may be supplemented within cities by licenses (or "franchises"). Under a licensed collection system, collection rates charged by city-licensed but WUTC-certificated private companies are set by the WUTC, with any city-imposed licensing tax added on top of, or factored into, rates. It is the collection company's responsibility to collect fees for services rendered and to remit a licensing fee, franchise tax or fee based on gross receipts to the city. The license therefore benefits the city by generating revenues. However, the WUTC remains the regulatory authority for licensed collection.

Contracted Collection with a Private Service Provider A city can contract with any private collection company for residential and nonresidential collection services within all or part of its incorporated area. Thus, a city can control collection activities without operating its own municipal collection utility. This is the only avenue for non-certificated private collection companies to become involved in collection services in the State of Washington. The service areas for these private collection companies would be limited to the contracted municipal boundaries and would not be subject to regulation by the WUTC. Under a contracted collection system, management and regulation of the system are the responsibility of the city. The contract would regulate operating conditions, rates, and billing practices. Collection of fees for services could be the responsibility of either the city or the collection company. Typically, a city ordinance would set forth the level of collection service provided, rate structures to be used, and operating requirements.

Municipal Collection Collection systems can also be operated by a city as a municipal service with its own equipment and personnel. A city with municipal collection generally determines its own rate structure, operating requirements and levels of service. In addition, the city is usually responsible for customer billing.

County-Controlled Collection

Statutory restrictions imposed upon counties by RCW 36.58A limit a county's authority with respect to solid waste collection. A county currently may provide collection services itself or through direct contract only if no qualified private company is willing or able to do so. In addition, a county may not provide service in an existing certificated area unless it acquires rights by purchase or condemnation. Except in the circumstances stated above, the county is prohibited from directly managing or operating solid waste collection systems. It is unlikely that such a combination of circumstances would ever occur within Clark County.

However, a county may exercise limited control of solid waste collection service in unincorporated areas through the adoption of service-level ordinances. Service-level ordinances can establish the types and levels of services to be provided to both residential and nonresidential customers. In addition, such ordinances can encourage rate structures that promote waste reduction and recycling activity. Prior to adoption, a service-level ordinance option needs to be included as part of a county's solid waste management plan.

A county may also exercise some control of collection activities within its unincorporated areas by establishing solid waste collection districts. Within such a district all solid waste generators could be required to subscribe to and pay for collection services; the private service provider and the collection rates would be regulated by the WUTC.

Solid waste collection districts are generally limited to unincorporated areas of a county, although with consent from the legislative authority of a city or town, collection districts can include areas within the corporate limits of the city. If a county were to form such a district, the WUTC would be required to investigate whether the existing certificated collection companies were willing and/or able to provide collection services. If the existing certificated collection company could not or would not provide the service, then the WUTC could issue a certificate to another collection company. A county can directly provide collection services within these districts only after notification by the WUTC that no qualified collection companies are able and/or willing to perform said service. If a collection district is established, a county may be asked to collect fees from delinquent customers should the private collection company be unable to do so.

Summary of Regulatory and Legal Framework

Table 7-1 summarizes the differences in solid waste collection systems characteristics under state, city and county control and lists the current service providers for Clark County.

Table 7-1 Solid Waste Collection System Characteristics (Under State, City, and County Control)					
System	State-Controlled	City-Controlled			County-Controlled
Characteristics		State Authority	Contract	Municipal	Solid Waste Collection District)^a
Collector	Private	Private	Private	Municipality	Private ^b
Operating conditions and review authority	WUTC ^c	WUTC ^c	Municipality	Municipality	WUTC ^c
Rate approval authority	WUTC	WUTC ^d	Municipality	Municipality	WUTC
Subscription to collection service	Voluntary	Voluntary or mandatory	Voluntary or mandatory	Voluntary or mandatory	Mandatory with exemption process
Billing responsibility	Collector	Collector	Municipality or collector	Municipality	Collector ^e
^a Only in unincorporated areas, or in incorporated areas with consent of the legislative authority of the city or town. ^b If no certificated hauler can provide service, the county may provide service. ^c Although municipal governments can adopt service level ordinances, the Washington Utilities and Transportation Commission (WUTC) is the authority charged with enforcing compliance. ^d City has authority to include licensing tax. ^e County must collect fees if users are delinquent.					

Current Collection Practices

Solid waste in Clark County is currently being collected by both private companies and municipal government agencies which are regulated and operating under the authorities previously described. Table 7-2 describes the collection entities in Clark County currently providing MSW collection services.

Table 7-2 MSW Collection Entities in Clark County			
Service Provider	Parent Company	WUTC Certificate Number	Address
Waste Connections of Washington, Inc.	WCI	G-253	9411 N.E. 94th Avenue Vancouver, Washington 98662
Waste Management of Vancouver U.S.A.	WMO/WMI	None	5300 NE Skyport Way Portland, OR 97218
Ted's Sanitary Service	None	G-49	P.O. Box 709 Woodland, Washington 98674
Evergreen Waste Systems	WCI	None	9411 N.E. 94th Avenue Vancouver, Washington 98662
City of Camas	None	None	616 N.E. 4th Avenue Camas, Washington 98607

Prior to August 1, 1996, most solid waste collection in Clark County was performed by the Clark County Disposal Group (CCDG) under a variety of municipal contracts and WUTC-certificates. CCDG collection companies included Vancouver Sanitary Service, Twin Cities Sanitary Service, Buchmann Sanitary Service and The Disposal Group. On August 1, 1996, Browning-Ferris Industries of Washington, Inc. (BFI) purchased CCDG and subsequently consolidated its WUTC operating authorities under one certificate. On October 30, 1997 Waste Connections, Inc. (WCI) purchased BFI's holdings in Clark County.

The service area for each provider is described below.

- The City of Vancouver is served by two contractors: WCI and Waste Management of Vancouver U.S.A. (WMV). WCI provides collection services in an area of East Vancouver which was recently annexed and had previously been served by Vancouver Sanitary Service under WUTC certificate. WMV serves the West portion of the City under contract established through a competitive process in 1994.
- WCI provides collection services under WUTC authority in the unincorporated areas of Clark County and the Cities of Battle Ground, La Center, and Yacolt. WCI services the City of Ridgefield under municipal contract.
- Ted's Sanitary Service provides collection services in the northwest corner of Clark County and within the City of Woodland.
- The City of Washougal contracts with Evergreen Waste Systems to provide residential and nonresidential collection services within the city.
- The City of Camas collects residential and some nonresidential accounts with city equipment and crews. Evergreen Waste Systems currently provides collection service for other nonresidential accounts under contract with the City of Camas.

Table 7-3 summarizes the current residential MSW collection service characteristics in Clark County. Table 7-4 summarizes current nonresidential MSW collection service characteristics in Clark County. The unincorporated areas of the County, as well as the cities of Battle Ground and LaCenter and the town of Yacolt do not have mandatory collection. Waste generators have the choice of either subscribing to collection services provided by their WUTC-certificated company or self-hauling to a permitted disposal or transfer facility. In addition to the collection service providers described in Tables 7-3 and 7-4, generators can self-haul solid wastes to the CRC transfer stations or other processing and disposal facilities. Large self-haulers in Clark County include the Vancouver School District and the City of Battle Ground. The map on the following page shows the areas described in Table 7-3.

Table 7-3 MSW Collection Service Characteristics--Residential					
Area and Jurisdiction	Regulatory Authority	Service Provider	Mandatory Collection	Billing Responsibility	Population Density (persons per sq. mile)
City of Vancouver	City-contracted	WMV - West Side WCI - East Side (see text)	Yes	Service Provider	3,035
City of Camas	City	City	Yes	City	829
City of Washougal	City-contracted	Evergreen Waste Systems	Yes	City	2,429
City of Ridgefield	City-contracted	WCI	Yes	Service provider	1,606
City of Battle Ground	WUTC	WCI	No	Service provider	1,608
City of La Center	WUTC	WCI	No	Service provider	504
City of Yacolt	WUTC	WCI	No	Service provider	625
Unincorporated areas of Clark County	WUTC	WCI and Ted's Sanitary Service	No	Service provider	321

Table 7-4 MSW Collection Service Characteristics-Nonresidential					
Area and Jurisdiction	Regulatory Authority	Service Provider	Mandatory Collection	Billing Responsibility	Population Density (persons per sq mile)
City of Vancouver	City-contracted	WMV - West Side WCI - East Side	Yes	Service provider	3,035
City of Camas	City	City and Evergreen Waste Systems	Yes	City and service provider	829
City of Washougal	City-contracted	Evergreen Waste Systems	Yes	City	2,429
City of Ridgefield	City-contracted	WCI	Yes	Service provider	1,606
City of Battleground	WUTC	WCI	No	Service provider	1,608
City of La Center	WUTC	WCI	No	Service provider	504
City of Yacolt	WUTC	WCI	No	Service provider	625
Unincorporated areas of Clark County	WUTC	WCI and Ted's Sanitary Service	No	Service provider	321

Rate Structures

Garbage collection rates in Clark County vary by area and service provider. Because of the way the rates are structured, municipal rates (e.g. the City of Vancouver) often provide more incentives to reduce waste than WUTC service area rates.

Recyclable Material Collection

The collection of recyclable materials from residential and nonresidential generators is regulated somewhat differently than the collection of general solid wastes in the State of Washington. However, the SWWHD, the WUTC, Clark County, and cities in Clark County are still involved in the regulatory process. The self-hauling of recyclable materials by generators to recycling centers, transfer stations or other location is not regulated. (Additional information on waste recycling can be found in Chapter 6.)

Residential Collection

The collection and transportation of recyclable materials from single-family and multifamily residences is regulated under RCW 81.77 and RCW 36.58. Under these statutes, counties have the authority to directly regulate the collection of source separated recyclable materials.

[Insert Map Here]

Local government jurisdictions, including both counties and cities, have the option to either contract directly with a private collection company to provide residential recyclable materials collection services or to delegate the responsibility to the WUTC. If the local government contracts directly with a collection company, the local jurisdiction effectively regulates collection activities and the WUTC is not involved. However, if the authority is delegated to the WUTC, then a WUTC-certificated collection company would provide the collection service with WUTC regulating the activity as previously described in this chapter. In addition to these two options, cities have the option of providing recyclable collection services within their jurisdictional boundaries by using city personnel and equipment.

In the past, Clark County and the city of Battle Ground contracted with WMV to provide single-family residential recycling collection services within the City of Battle Ground and the unincorporated areas within the Urban Growth Boundaries of Vancouver, Camas, Battle Ground and Washougal. Currently WCI has contracted with the County and the cities of Battle Ground, La Center and Yacolt to provide to provide single family residential recycling collection services within the cities of Battle Ground, La Center and Yacolt and within all of the unincorporated areas of Clark County.

Multifamily residential recycling collection services within the City of Battle Ground and the unincorporated areas within the Urban Growth Boundaries of Vancouver, Camas, Battle Ground and Washougal are provided by EWS. WCI provides for multifamily residential recycling collection services within the cities of La Center and Yacolt and within all of the unincorporated areas of Clark County outside of the Urban Growth Boundaries of Vancouver, Camas, Battle Ground and Washougal.

The City of Vancouver contracts for single family services with WCI. Multifamily residential recycling collection services are provided by EWS.

The cities of Camas and Washougal have separately contracted with Evergreen Waste Systems to collect recyclable materials from both single-family and multifamily residences within their jurisdictions.

Nonresidential Collection

The collection and transport of recyclable materials from nonresidential generators is regulated by the WUTC under RCW 81.80. Three types of authorities are established in RCW 81.80, including common carriage, contract carriage, and private carriage. Counties have no authority to regulate the collection and transportation of nonresidential recyclable materials. Cities may enter into non-exclusive contracts with providers of non-residential recycling services. Local businesses, however, may choose to make other collection arrangements.

Common carriers are permitted by the WUTC and can collect a specific commodity (or commodities) within a designated geographic territory. Common carriers do not own the commodity being hauled; they are simply providing a transportation service for the owner. For example: a private company hauling cardboard from nonresidential generators to an independently operated recycling facility would be a common carrier. Common carriers are required to provide collection and transportation service to anyone requesting the

service within the collection territory. Fees are negotiated between the carrier and the customer.

Contract carriers are permitted by the WUTC and can collect a specific commodity (or commodities) from a single nonresidential generator. For example: an independent company collecting cardboard from a single manufacturing company would be a contract carrier. Contract carriers negotiate the tariff or fee paid for the service with the waste generator without WUTC involvement.

Private carriers are not subject to regulation by the WUTC. Private carriage involves the collection and transportation of a commodity (or commodities) by either the commodity generator or the commodity user, if the collection and transport activity is incidental to the overall or primary business of the generator or user. For example: a large manufacturing facility that self-hauled small amounts of cardboard to a local recycler would be considered a private carrier. Recycling firms that collect their own materials for further processing and marketing are also considered private carriers.

Regulatory Compliance

Current solid waste and recyclable materials collection activities in the County and cities appear to comply fully with federal, state, and local laws and regulations.

Needs And Opportunities

County Authority

A review of the existing collection system indicates that all areas of the County and cities are presently being adequately served with MSW collection services. However, unless the County is able to enact additional regulatory authority to address future growth issues the existing system could be overburdened. Some of these issues are: population and nonresidential growth, increased service needs, rate structure flexibility and the annexation of urban areas of the county by cities.

RCW 81.77 provides cities with the authority to directly manage and regulate solid waste collection activities. Cities can perform collection activities with city personnel and equipment, contract with a service provider of the city's choice, or use a WUTC-certificated private collection company. Cities can also establish service levels and operating standards, use incentive rate structures, and establish the collection rates to charge customers. Counties, on the other hand, have little authority to directly regulate solid waste collection activities in their unincorporated areas. The WUTC has rate-setting responsibilities and collection services are provided by a WUTC-certificated private collection company. In addition, counties have only a limited ability to establish reporting requirements and operating practices through local ordinances.

In response to these limitations, the County has pursued potential policies for broader operational controls and regulatory authorities for solid waste collection activities. Since the last Plan was adopted in 1994, the preferred mechanism for the County to obtain increased municipal authorities has been to support the enactment of state legislation giving counties the same authorities as cities. However, recent developments have supported the consideration of a broader range of potential policies. As cities expand their

service areas to encompass their urban growth boundaries, the number and density of unincorporated area collection customers will decrease. It is unlikely that this decrease in the unincorporated service area will be countered by natural population growth, since most new population growth is expected to be within urban boundaries. As a result, the proportion of collection customers covered by a city's municipal authority will steadily increase. The size and characteristics of the remaining unincorporated service area may call for a different regulatory approach than previously pursued.

RCW 35.02.160 and RCW 35A.14.900 provide for the orderly cancellation or acquisition of franchises for public service businesses in territories that have been annexed by cities. A potential conflict exists when unincorporated areas served by WUTC-certificated haulers are annexed by cities using contracted collection services or when cities initially assert their authority over areas previously served by certificated haulers. State codes include requirements for annexing cities to purchase rights or grant a franchise of not less than seven years to such businesses, with the potential for additional damages. The County and cities will need to continue to coordinate service delivery in these annexation areas.

Direct regulation by the County of private collection companies operating in unincorporated areas is not currently possible without a change in state law. State legislative proposals designed to transfer regulatory authorities for solid waste collection from the WUTC to counties have been introduced periodically without success.

Enactment of state legislation providing counties with authority similar to that of cities is not expected until further evaluation is completed with respect to how Ecology, WUTC, regional, county, and city collection authorities can best be incorporated into a single, more integrated system. Adoption of a service-level ordinance (see following section), continuing a close working relationship with WUTC, and/or the formation of a solid waste collection district (see *Administration Chapter*) may provide adequate control and regulatory authority for the County. If statutorily available, these limited actions could be less expensive than full direct County regulation.

In addition to pursuing the same solid waste collection authorities available to cities, there exist opportunities for the regionalization of collection functions. Such regionalization could include coordinated service delivery standards, reporting formats and rate designs between cities and the County.

Waste Collection

Solid waste management costs and other handling system costs may increase with changes in regulations and operations. Cost increases would increase the potential for illegal waste dumping in the County. Mandatory collection could reduce the amount of illegal waste dumping, self-disposal, illegal burning, and unauthorized waste export out of the County. In addition, both collection costs for individual customers and any general program and management costs associated with collection rates could be minimized if all generators were required to subscribe to and pay for collection services. This way, the costs of solid waste management activities in the County could be more fully allocated to all waste generators.

These management costs include costs for education programs, waste monitoring and measurement activities, management planning activities, litter control, and waste reduction

and recycling programs, HHW management activities, and the operation and maintenance costs associated with the groundwater pumping and treatment system at the closed Leichner Landfill. These costs are currently funded through disposal (“tipping”) fee surcharges.

The transition from the present collection system to a system with mandatory collection could involve additional costs. Implementation costs to both private collection companies and local governments could include legal and administrative costs, additional equipment costs, and personnel costs. However, garbage collection charges in unincorporated areas of the County might be reduced due to increased population densities and participation.

Adoption of a mandatory solid waste collection program (in unincorporated county or as a countywide program) could have adverse impacts on certain demographic sectors. Requiring rural residential and nonresidential waste generators to subscribe to and pay for collection could place an unfair cost burden on those generators unless minimum levels of service are established. Rural generators often generate small amounts of waste and, in some instances, have found legal and acceptable methods of transferring and disposing these wastes. The need for a countywide collection district with a mandatory collection should be considered only after the actual impacts of implementing mandatory collection have been assessed.

Service Level Ordinance

The County has the authority to adopt a municipal ordinance defining the types and extent of collection service to be offered residential and nonresidential customers in the unincorporated areas of the County. Adoption of service level ordinances could provide (1) guaranteed minimum collection service levels for residential and nonresidential customers; (2) access by the County and cities to collection system information; and (3) enhanced coordination between WUTC-certificated collection companies and County and city contractors. In addition, a service-level ordinance could encourage WUTC-certificated collection companies and the WUTC to adopt incentive rate structures to promote waste reduction and recycling activity. This ordinance could require private collection companies to investigate and implement some or all of the operational improvements identified in this chapter. The provisions that would be provided by a service-level ordinance may be essential for the County and cities to effectively manage their solid waste administration and coordination responsibilities.

There is currently no requirement that WUTC-certificated collection companies provide basic collection information to the County or cities except by city contract or franchise. Basic information includes numbers and types of residential accounts, number of pickups, route patterns and other data. If provided such information could be used to improve coordination practices between the collection companies and the County and cities. This in turn could provide for better service to customers. The County and the cities would have to maintain the confidentiality of certain proprietary data provided to them by the collection companies. At this time, there is informal information exchanged between the collection companies and the County and cities.

Collection from Federal Facilities

In certain instances, MSW collection from federal government facilities in Clark County is being authorized by the federal agency, outside of the regulations that govern solid waste and recycling collection in the county and cities. The major federal installations in

the county and cities include the Veterans Administration Hospital, the Bonneville Power Administration Ross Station Complex, Vancouver Barracks and Camp Bonneville. These facilities have historically either self-hauled solid wastes to transfer and disposal facilities or selected and contracted directly with a private service provider.

A recent Federal Court of Appeals decision for the Ninth Circuit Court concluded that existing federal law requires federal installations to comply with local arrangements for solid waste collection and disposal, including "exclusive garbage collection franchises." Under this finding, collection responsibility should be delegated to either the WUTC-certificated collection company or the city-contracted or operated service provider for the territory in which the federal facility is located.

Interlocal Coordination of Services

With the expansion of cities into urban growth areas, some questions may arise over who has jurisdiction for collection services in annexed areas, customer confusion over new service standards or changed responsibilities. RCW 35.02.160 (RCW 35A.14.900 for code cities) provides for the orderly cancellation or acquisition of franchises for public service businesses in territories that have been annexed into cities. A potential conflict exists when unincorporated areas, served by WUTC-certificated haulers, are annexed into cities with contracted collection services or when cities initially assert their authority over areas that were previously served by certificated haulers. Regarding customer confusion, the cities and the County have different customer requirements, which come to light during annexation. For example, cities often specifically require customers to remove cans and containers from the right of way within a certain period of time after collection; the County does not have such a requirement. Due to the continued growth in the region, the county and cities will need to continue to coordinate service delivery in these annexation and urban growth areas.

Rate Structures

All cities and unincorporated areas within Clark County have some degree of variable-rate garbage collection services. While most rates provide incentives to reduce individual levels of service, they do not always directly reward additional waste prevention within each service level.

Counties have the authority to define solid waste collection services by adopting a service level ordinance. Some counties have used the service level ordinance mechanism to define rate policies. When a service level ordinance directs local haulers to file rates, using a defined rate policy, with the WUTC, the WUTC usually redirects the hauler to use a rate design that conforms with policies favored by the WUTC. These policies have historically discounted higher levels of service, based on the WUTC's cost-of-service model. However, the Waste Not Washington Act, Chapter 431, Washington Sessions Laws, includes modifications to the statutes, directing haulers regulated by the WUTC to "...use rate structures and billing systems consistent with the solid waste management priorities set under RCW 70.95.010 and the minimum levels of solid waste collection and recycling services pursuant to local comprehensive solid waste management plans" [RCW 81.77.030(6)]. Some jurisdictions have argued that the historic cost-of-service models, used by the WUTC, are in conflict with this legislative direction. (Note: a discussion of 'cost of service' can be found in the following Evaluation of Alternates section, item 1.)

The County will need to better define its rate structure policies and pursue appropriate implementation options.

ALTERNATIVES

The Solid Waste Advisory Commission considered the following alternatives:

1. *Work with WUTC and WUTC-certificated haulers to develop rate structures that support and encourage waste reduction and recycling.*
2. *Adopt a county service level ordinance to:*
 - *provide minimum collection service levels for residential and nonresidential customers;*
 - *provide access by the County and cities to collection system information;*
 - *provide enhanced coordination between WUTC-certificated collection companies and County and city contractors.*
3. *Support and investigate state legislative efforts to provide counties with the same options for management of waste collection that cities have.*
4. *Implement mandatory waste collection for all residences in the unincorporated County and for all residences within the cities' jurisdiction*
5. *The County should revise its ordinance to require garbage cans and recycling bins to be taken from the public right-of-way within 12 hours of collection, similar to the City of Vancouver's requirement.*

EVALUATION OF ALTERNATIVES

1. *Work with WUTC and WUTC-certificated haulers to develop rate structures that support and encourage waste reduction and recycling.*

All cities and unincorporated areas within Clark County have some degree of variable-rate garbage collection services. While most rates provide incentives to reduce individual levels of service, they do not always directly reward further waste prevention within each level of service. Counties have the authority to define solid waste collection services by adopting a service level ordinance.

When a service level ordinance directs local haulers to file rates using a defined rate policy with the WUTC, the WUTC generally re-directs the hauler to use a rate design consistent with policies favored by the WUTC. These policies have historically discounted higher levels of service, based on the WUTC's cost-of-service model. However, the "Waste Not Washington Act," (Ch 431, Washington Sessions Laws) included modifications to the statutes directing haulers regulated by the WUTC to "...use rate structures and billing systems consistent with the solid waste management priorities set under RCW 70.95.010 and the minimum levels of solid waste collection and recycling services pursuant to local comprehensive solid waste management plans." [RCW 81.77.030(6)] It has been argued by some jurisdictions that the historic cost-of-service models used by the WUTC are in conflict with this legislative direction.

Rate design alternatives are virtually unlimited. The following designs may be considered applicable to the collection systems in Clark County.

Cost of Service Cost of service rates are generally calculated by documenting all categories of hauler costs and then allocating these costs on a basis of how they are incurred. For example, administrative and billing costs could be divided by the number of accounts, disposal charges could be allocated by the number of containers collected, truck operating costs and labor could be allocated by the number of accounts or the number of containers collected, etc.

Depending on how costs are allocated, cost of service rates can result in a subsidy of large waste generators by small waste generators. This is contrary to the philosophy of rewarding those who exhibit desired behavior (e.g. waste reducers) and penalizing those who do not (e.g. large waste generators). The decision of how to allocate costs is often subjective, and in the past has assumed that since large volumes of waste cost less per unit to collect, economies of scale should be reflected in allocating consumer costs. An alternative view is that, other than billing expenses, essentially all costs should be considered volume-related and distributed across the number and size of containers collected. Thus, customers that "load" the collection system with 8 or 10 containers per month would pay an equivalent (per unit of volume) charge to those who only "load" the system with one container per month. Allocating costs on this basis could result in an almost linear rate structure, based on the number of containers set out each month.

Linear or Inverted Rates Another approach to rate making would be to separate the production of revenue from the generation of costs. Under this scenario, the costs of operating the collection system could be determined through the normal revenue requirement process, based on expected customer counts at each service level and historical costs. The decision of how to divide the revenue requirement among various customer service levels could be made at a policy level, without regard to how cost is actually incurred. This would allow rates to be developed specifically to encourage waste prevention and recycling, rather than constrained by the increasing economies of scale and reduced unit costs encountered when larger volumes of waste are collected.

Rates could be set on a straight linear basis to provide an easily understandable incentive to residential and commercial customers. Under a straight linear rate structure, per-gallon collection rates are essentially equivalent across all service levels. For example, the rate for weekly collection of a given container is twice the rate for biweekly collection, and the cost of weekly collection of two containers is twice the rate for weekly collection of one container. If a more coordinated approach based on energy and water utility programs was desired, an inverted rate could be developed to be less expensive per unit below the average (or target) level of service and correspondingly more expensive per unit above the average (or target) level of service. Any number of incentive designs could be developed, depending on specific objectives.

This approach could include the development of a rate buffer or stabilization fund to provide protection against excessive revenue shift. If rate incentives were provided that caused a greater number of customers to shift down in service than forecast, the hauler's revenue requirement might not be met. Although their variable costs would be somewhat reduced by lower service requirements, the reduction in servicing costs would not necessarily balance the reduction in revenue. Likewise, if rate incentives were provided that caused a smaller number of customers to shift down in service than forecast, the hauler's revenue requirement would be exceeded. Again, although their variable costs would be somewhat higher due to increased service requirements, the additional income

would likely be higher than additional costs. The solution to this rate and service level dilemma might be a stabilization fund, which serves as a rate buffer.

Weight-Based Rates One of the major difficulties with either of the rate design methodologies described above is their reliance on very limited units of measurement: minicans, regular cans, wheeled carts and standard container increments. No allowance is made for individuals that use a larger size of container solely for surge capacity or have more frequent collection due to increased convenience or odor problems. Likewise, no distinction is made between a household with one container of highly compacted garbage and another that has a container half-filled with loose plastic film. The limitations of a restrictive number of measures are apparent. A solution to this problem is a relatively recent development: unit-based pricing programs, such as “Garbage-by-the-Pound” (GBTP).

GBTP is a technological response to three converging problems. First, there is a need to maintain a high degree of accuracy as to which containers belong to which account. This has become more of a pressing issue since total collection charges have increased. The accurate monitoring of the source of collected waste for billing is critical. Secondly, disposal fees have become an increasing component of the total collection charge. In past decades, the disposal component of total collection charges was minor compared to the service-related costs. Now, the disposal component has become increasingly significant, and sometimes exceeds the service component. Third, there is an increasing awareness of the limitations of waste prevention incentives based on limited units of measurement. A system that charges directly, based on month-to-month generation, could provide direct incentives as well as increased equity.

Seattle recently experimented with a pilot residential GBTP system, using coded garbage containers and on-board weighing equipment. After initial difficulties with hardware, the system proved operationally feasible. The Seattle Solid Waste Utility experimented with informational bills documenting the volume collected, indicating the amount each household would pay under a weight-based system. In spite of an already high diversion level achieved in Seattle, residents in GBTP pilot areas further reduced their waste by 15 percent within a 3-month period, although they were not actually charged on a weight basis. Seattle is considering GBTP options for inclusion in their next garbage collection contract.

The most efficient GBTP scenario may be a system that provides for a combination of fixed *per stop* charges and a weight-based charge. Customers could then set out their containers as often as desired. Charges for setting out a given volume in two or more partially filled containers during each month could be based on multiple stop charges and the actual weight of the waste. Setting out the same volume only when containers are full could result in the same weight-based charge, but less overall cost, since only one stop charge would be assessed. This system could have three beneficial side effects. First, it may encourage residents to only set out full containers, reducing the number of stops, and therefore costs, associated with waste collection. Second, set-outs could be largely randomized, eliminating the routing problems associated with attempting to collect different service frequencies (weekly, every-other-week, and monthly) simultaneously. Third, container size becomes unimportant under this system. Containers can be oversized to allow surge capacity without penalizing residents, since charges can be based on the weight of the container’s contents, not the fixed volume of the container.

2. *Adopt a county service level ordinance to:*

- *provide minimum collection service levels for residential and nonresidential customers;*
- *provide access by the County and cities to collection system information;*
- *provide enhanced coordination between WUTC-certificated collection companies and County and city contractors.*

Adoption of service level ordinances could provide 1) guaranteed minimum collection service levels for residential and non-residential customers; 2) access by the county and cities to collection system information; and 3) enhanced coordination between WUTC-certificated collection companies and county and city contractors. In addition, a service-level ordinance could encourage WUTC-certificated collection companies and the WUTC to adopt incentive rate structures to promote waste reduction and recycling. This ordinance could require private collection companies to investigate and implement the provisions listed in the ordinance. The provisions that could be provided by a service-level ordinance may be essential for the county and cities to effectively manage their solid waste administration and coordination responsibilities.

3. *Support and investigate state legislative efforts to provide counties with the same options for management of waste collection that cities have.*

Direct regulation, by the county, of private collection companies operating in unincorporated areas is not currently possible without a change in state law. State legislative proposals, designed to transfer regulatory authorities for solid waste collection from the WUTC to counties, have been introduced periodically without success. Enactment of state legislation, providing counties with authority similar to that of cities, is not expected until further evaluation is done with respect to how Ecology, WUTC, regional, county and city collection authorities can be effectively incorporated into a single, more integrated system.

4. *Implement mandatory waste collection for all residences in the unincorporated County and for all residences within the cities' jurisdiction.*

Adoption of mandatory collection could have adverse impacts on certain demographic sectors. Requiring rural residential and non-residential waste generators to subscribe to and pay for collection could place an unfair cost burden on those generators, unless minimum levels of service were established. Rural generators often generate small amounts of waste and, in some instances, have found legal and acceptable methods of transferring and disposing these wastes. The need for a countywide collection district with mandatory collection should be considered only after assessing the actual impacts of implementing urban mandatory collection. (Note: La Center, Battle Ground and Yacolt are the only cities without mandatory garbage collection.)

5. *The County should revise its ordinance to require garbage cans and recycling bins to be taken from the public right-of-way within 12 hours of collection, similar to the City of Vancouver's requirement.*

With the expansion of cities into urban growth areas, some questions may arise over who has jurisdiction for collection services in annexed areas. In addition, the cities and the County have different customer requirements, which come to light during annexation. For example, cities often specifically require customers to remove cans and containers from the row of way within a certain period of time after collection; the

County does not have such a requirement. Due to the continued growth in the region, the county and cities should continue to explore ways to coordinate service delivery, collection and customer responsibility standards in these annexation and urban growth areas.

Recommendations

The Solid Waste Advisory Commission reviewed the complete list of Alternatives and has recommended the following Alternatives:

- 1. Work with WUTC and WUTC-certificated haulers to develop rate structures that support and encourage waste reduction and recycling.*
- 2. Adopt a county service level ordinance to:*
 - provide minimum collection service levels for residential and nonresidential customers;*
 - provide access by the County and cities to collection system information;*
 - provide enhanced coordination between WUTC-certificated collection companies and County and city contractors.*
- 3. Support and investigate state legislative efforts to provide counties with the same options for management of waste collection that cities have.*
- 5. The County should revise its ordinance to require garbage cans and recycling bins to be taken from the public right-of-way within 12 hours of collection, similar to the City of Vancouver's requirement.*